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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/591,739 06/12/00 MARTIN

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EXAMINER

LILLING, H

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 08/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/591,739

Applicant(s)
MARTIN ET AL

Examiner
DR. HERBERT J. LILLING

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1651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 3, 2000
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-45 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 36-45 are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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1. Receipt is acknowledged of the preliminary amendment and the prior art information disclosure statement filed June 12, 2001 and the second preliminary amendment filed August 03, 2001.
2. Claims 36-45 (there are now two claims having the number 44 of which the second one in the amendment filed August 03, 2001 has been changed to claim 45) are now pending in the instant application.
3. This application contains claims directed to the following patentably distinct species of the claimed invention:
 - A. Whereby the treating agent is selected from the group consisting of:
 - i. Acids
 - ii. Bases
 - iii. Detergents
 - iv. Oxidizing agents
 - v. Chelating agents
 - vi. Reducing agents
 - vii. Nucleophilic reagents
 - viii. Electrophilic reagents
 - ix. Metal ions

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x. Aqueous solutions

xi. Organic solutions.

B. Whereby the derivatized PHA by a chemical transformation selected from the group consisting of

I. **Chemical agent** which is selected from the group consisting of

a. Esterification

b. Transesterification

c. Hydrolysis

d. Saponification

e. Aminolysis

f. Thiolysis

g. Etherification

h. Silylation

i. Addition

j. Elimination

k. Rearrangement

l. Condensation.

or

II. **Biochemical agent** selected from an enzyme selected from the group consisting of

i. Depolymerases

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- ii. Proteases
 - iii. Nucleases
 - iv. Lipases
 - v. Cellulases
 - vi. Phophorylases
 - vi. Glycosidases
- C. Whereby the separation step is selected from the group consisting of
- a. Distillation
 - b. Extraction
 - c. Centrifugation
 - d. Filtration
 - e. Chromatography.
- D. Whereby the biomass is selected from plant parts from
- i. Leaves
 - ii. Stems
 - iii. Seeds
 - iv. Combinations of i-ii-iii-please specify.

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from A, (B1 or B2) , C and D for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 36 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lilling whose telephone number is (703) 308-2034 and fax number is (703) 308-4242 or SPE Michael Wityshyn whose telephone number is (703) 308-4743. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.


H.J.Lilling: HJL

(703) 308-2034

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August 22, 2001



 HERBERT J. LILLING
PATENT EXAMINER
GROUP 1600 ART UNIT 1651